

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MARGARET P. BYERS, *et al.*,

Plaintiffs,

v.

Civil Action No.: 3:23cv801-RCY

CITY OF RICHMOND, *et al.*,

Defendants.

CHESTERFIELD COUNTY'S MOTION TO DISMISS

COMES NOW the County of Chesterfield, Virginia (the "County"), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6), and respectfully request that the Court dismiss with prejudice Counts Three and Five of the Amended Complaint (ECF No. 81) with respect to the County. As explained in detail in the County's Memorandum in Support, Count Three fails to state a claim against the County because Plaintiffs have not pled facts in support of a policy or custom on behalf of the County that caused Plaintiffs' alleged injuries; and Count Five fails to state a claim against the County because the County is immune from all negligence-based tort claims.

COUNTY OF CHESTERFIELD,
VIRGINIA

By: /s/ Andrew J. Fulwider
Jeffrey L. Mincks (VSB No. 18317)
Julie A. C. Seyfarth (VSB No. 46207)
Andrew J. Fulwider (VSB No. 83905)
Chesterfield County, Virginia
P. O. Box 40
Chesterfield, VA 23832
Telephone: (804) 748-1491
Facsimile: (804) 706-2615
mincksj@chesterfield.gov
seyfarthj@chesterfield.gov
fulwidera@chesterfield.gov
Counsel for County of Chesterfield, Virginia

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2024, I electronically filed the foregoing Motion to Dismiss Chesterfield County with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

By: /s/ Andrew J. Fulwider
Jeffrey L. Mincks (VSB No. 18317)
Julie A. C. Seyfarth (VSB No. 46207)
Andrew J. Fulwider (VSB No. 83905)
Chesterfield County, Virginia
P. O. Box 40
Chesterfield, VA 23832
Telephone: (804) 748-1491
Facsimile: (804) 706-2615
mincksj@chesterfield.gov
seyfarthj@chesterfield.gov
fulwidera@chesterfield.gov
Counsel for County of Chesterfield, Virginia